

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JILLIAN RIGHTMYER

Plaintiff

v.

**PHILLY PREGNANCY CENTER,
P.C., et al.**

Defendants

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CIVIL ACTION

NO. 23-1925

ORDER

AND NOW, this 1st day of March 2024, upon consideration of Defendant Theresa Smigo's *motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6)*, (ECF 11), Plaintiff's response in opposition, (ECF 14), and the allegations in the amended complaint, (ECF 9), it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion, that:

- (1) Defendant's motion to dismiss is **GRANTED** with respect to Count III of the amended complaint (breach of contract) and Count V of the amended complaint (violation of the Affordable Care Act); and
- (2) Defendant's motion to dismiss is **DENIED** with respect to Count VII of the amended complaint (intentional infliction of emotional distress).

It is further **ORDERED** that Defendant Theresa Smigo shall file an answer to the remaining claims asserted against her in the amended complaint by March 14, 2024.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court